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A BUSINESS GROUP OF  
VULCAN MATERIALS COMPANY

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RCAP

December 14, 1999

Mr. William A. Spratlin  
Director, Air, RCRA and Toxics Division  
EPA Region VII  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101

RE: Article No. Z 187 595 407, Letter of Warning to Vulcan Materials Company, Wichita,  
Kansas. RCRA ID # KSD007482029

Dear Mr. Spratlin:

This letter is in response to Mr. Pedicino's Letter of Warning to Vulcan dated November 29, 1999 regarding failure to notify EPA of a newly identified Solid Waste Management Unit (SWMU). It is EPA's belief that some oil stains visible in and around the "former fuel oil storage tank" noted by Mr. David Garrett/EPA during the August 19-20, 1999 site visit meet EPA's definition of a SWMU. As detailed below, we respectfully believe that the fuel oil tank is not a SWMU. We also note that we will undertake a prompt cleanup at the site. Finally, because the fuel oil tank is located on an existing identified SWMU, the Hex Waste Landfill, any remaining EPA concerns about the tank can be addressed in connection with the identified SWMU.

The attached figure shows the location of this SWMU. The former fuel oil tank was put in service during the late 1970s to store Fuel Oil #6 used in plant boilers. No other product or waste was stored in the tank. The tank was engineered, designed and constructed for Fuel Oil #6 storage. The tank was taken out of service in the 1980s and decommissioned in the early 1990s. As part of the decommissioning process, tank interior walls were cleaned by hydro-blasting. During Mr. Garrett's visit, some residual oil stains were observed inside the tank and on the tank's concrete ring foundation. Some oil stains were also noted in the tank's earthen secondary containment.

Vulcan did not notify EPA of this SWMU within 15 days of Mr. Garrett's visit because we do not believe the unit is a SWMU. Our determination was based on the following:

- ♦ The unit does not meet EPA's definition of a SWMU conformed in 61 FR 19442 (III.B.3.c), dated May 1, 1996. The definition reads "Any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at a facility at which solid wastes have been routinely and systematically released." The former fuel oil storage tank was never used



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for solid waste management; the tank has only been used to store product Fuel Oil #6. There is also no record or knowledge of "routine and systematic releases" from the unit.

EPA provided additional guidance on what constitutes "routine and systematic releases" on page 19443 of 61 FR. EPA states that "not all areas where releases have occurred are considered SWMUs." A loading area can be a SWMU if minor spills or leaks occur routinely over time. The minor staining around the tank foundation ring observed during Mr. Garrett's visit was likely residual of the decommissioning process and not "routine and systematic releases" from operation of the tank between late 1970s and 1980s.

- ◆ We do not believe that the releases observed during Mr. Garrett's visit pose a threat to human health and the environment. The tank was only used to store Fuel Oil #6 which according to its MSDS is sold under the Trade Name "Clarified Oil" or Synonyms "Slurry Oil, Decanted Oil, Aromatic Hydrocarbon." The composition is listed as 90-95% Clarified Oil and 5-10% Polynuclear Aromatics (PNAs). The formula is a "mixture of aromatic, naphthenic, olefinic, and paraffinic hydrocarbons of C-20 and above."

Fuel oil #6 does not contain significant amounts of the hazardous constituents benzene, toluene, ethylbenzene and toluene which are more mobile in the environment and are typically the constituents that trigger remediation at release sites. Oil or petroleum hydrocarbon releases are typically not regulated under RCRA. Fuel Oil #6 is very viscous and has to be heated to allow it to flow. Releases of Fuel Oil #6 observed around the concrete tank foundation ring and in some locations within the earthen secondary containment appear to be surficial and are not expected to migrate laterally or vertically. This was confirmed by scraping some visibly contaminated soil in the earthen containment, subsequent to Mr. Garrett's site visit.

As outlined above, we believe the fuel oil tank should not be identified as a SWMU. Thus, we request EPA to consider whether, on the basis of the background information provided herein, the fuel oil tank that is located on top of an identified SWMU, should be listed as a new SWMU. In the event the agency determines that the tank should be listed as a SWMU, please consider this to be our notification of the presence of the tank.

Finally, as shown on the attached figure, the Fuel Oil #6 tank is located on an existing SWMU: the Hex Waste Landfill. This SWMU has been identified and described in the Onsite RFI Workplan submitted to EPA in September 1993. Rather than calling the Fuel Oil #6 Storage Tank a newly identified SWMU, it would be more logical to investigate the former fuel oil storage tank under the existing Hex Waste Landfill SWMU.

We plan to undertake the following cleanup activities at the former fuel oil storage tank:

- ◆ Remove any oily wastewater from inside the storage tank and dispose it in the onsite Class I hazardous waste injection wells.
- ◆ Use sand blasting or some other abrasive cleaning method to remove visible contamination from the tank's concrete ring foundation.
- ◆ Use a backhoe or skid steer loader to excavate visibly contaminated soil around the tank. The excavated soil will be managed appropriately based on analytical results.

Please inform me if additional information is needed.

Sincerely,

A handwritten signature in black ink, reading "Renu Chhabra". The signature is fluid and cursive, with the first name "Renu" and last name "Chhabra" clearly distinguishable.

Renu Chhabra  
Environmental Services Supervisor

Cc:  
Mr. Pedicino/EPA Region VII  
Mr. Garrett/EPA Region VII  
Mr. Haikala/Vulcan-Legal

